IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

DISTRICT:

CIVIL APPLICATION NO. 1969 OF 2005

IN

FIRST APPEAL (St.) NO. 47489 OF 2002

Office Notes,Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr. S.N.Gawade, AGP for the Applicant.

None for the Respondent.

CORAM: S.B.DESHMUKH, J.

DATE : 21ST AUGUST,2006

P.C.:

Heard Learned Assistant Government Pleader, appearing for the applicant - State. He submits that he has filed the affidavit in relation to service of the notice on the respondent.

2. By this civil application, the applicant is seeking condonation of 185 days delay occurred in filing the

first appeal in this Court. In paragraph nos.4 and 5, the explanation is tendered for the delay caused. The procedure, which is required to be undergone by the applicant, before filing of the appeal is the cause for this delay. Because of this procedure, the delay of 185 days is occurred in filing the present first appeal in this Court. Despite service, none appears for the respondent. There is no counter affidavit filed on behalf of the respondent disputing the facts alleged in these paragraph nos. 4 and 5 of the civil application. The delay, is properly explained on behalf of the application. No malafides have been alleged on behalf of the respondent. In my view, therefore, the case for condonation of delay is established.

3. In this view of the matter, the civil application is allowed. The delay of 185 days, caused in filing

the first appeal in this court, is condoned.

4. The civil application, accordingly, is disposed of.

Sd/-

(S.B.DESHMUKH, J.)